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Board of Funeral Services Conseil des services funéraires

ANNUAL REPORT

for

1991





2010-2011

The Board of Directors was elected at the annual meeting of the shareholders on May 15, 2011. The Board consists of seven members, all of whom are independent directors.

The Board of Directors is responsible for the overall management and supervision of the company's business and for the appointment and removal of the company's officers and directors.

BOARD OF DIRECTORS

Chairman	Barbara A. Baker
President	David A. Baker
Secretary-Treasurer	David A. Baker
Director	David A. Baker

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Executive Director: David A. Baker

Administrative Director: David A. Baker

Secretary-Treasurer: David A. Baker

Director: David A. Baker


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BOARD MEMBERSHIP

The Board of Funeral Services was established by the *Funeral Services Act* in 1976 to succeed the Board of Administration which had a history dating back to 1914.

The *Funeral Directors and Establishments Act, 1989* requires that the Board shall be composed of six funeral directors and five public persons all appointed by the Lieutenant Governor in Council.

MEMBERS OF THE BOARD OF FUNERAL SERVICES - 1991

•Chair	Barbara Beck*	Peterborough
•Vice-Chair	Andrew Doyle	Ottawa
•Secretary-Treasurer	David Lester	Cobourg
•Ex-Officio	James Erb	Waterloo
	Dr. Stephen Speisman*	Thornhill
	Alex Mansfield*	Mississauga
	Russell Wallace	Toronto
	Lise Malette*	Timmins
	Pearl Davie*	Hamilton
	Rodney Ingram	Scarborough

• Denotes Member of the Executive Committee

* Denotes Public Member

BOARD STAFF - 1991

Registrar:	Alison M. Reynolds
Executive Assistant to the Registrar:	Ellen M. Smoor
Administrative Inspector:	Sheila M. Nunn
Inspector:	Melissa I. Bak
Secretary-Bookkeeper:	Regina Bergin
Secretary-Receptionist:	Leila Haroun

LEGAL COUNSEL

Donald Posluns	Porter, Posluns & Harris
Richard Steinecke	Barristers & Solicitors

AUDITOR

John Mayhue	Harris & Wright
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FUNCTIONS OF THE BOARD OF FUNERAL SERVICES

The *Funeral Directors and Establishments Act, 1989* establishes a self-governing body to administer the Act and regulate the practices of funeral directors, funeral service establishments and transfer services in accordance with the Act and the Regulations in order that the public interest may be served and protected.

The Board is responsible for the review of the operation of this Act and the Regulations and for making recommendations to the Minister of Consumer and Commercial Relations thereon. The Board approves or sets courses of study and examinations for the qualification of applicants for licensure.

Other responsibilities of this Board include establishing, maintaining and developing standards of qualification, practice and professional ethics for funeral directors and funeral service establishments.

The *Funeral Directors and Establishments Act, 1989* establishes five standing committees - Executive, Licencing, Complaints, Discipline and Compensation Fund Committee.

CHAIR'S REPORT

1990/91

Annual meetings afford an opportunity for all of us to reflect on the past and look to the future.

You will recall that this past year the Board has met every other month and this seems to have worked quite well. I am delighted with the work that the committees have carried out this year. As each Chairman will be submitting his or her own report, I will not comment on the activities. In my opinion, members of the Board of Funeral Services have worked together to build a team and I am very pleased that I have been part of that process.

We have operated with less than a full complement of Board members for six months which has meant that some members have done more than their share of committee work.

The Board authorized and carried out an extensive public relations campaign to assist owners, operators and employees of funeral establishments to understand the new legislation and accompanying regulations. However, during this past year our routine inspections have uncovered many acts of non-compliance. In some cases, these have been minor infractions and rectified immediately. In others, infractions have been of a much more serious nature and stem from resistance to change. The Board must continue to support the staff in their efforts to enforce the regulations.

It has been an honour for me to be the Chair of this Board. I believe that the election of a public member to this position speaks to the cooperative spirit which exists between the funeral directors and the public members on this Board. We don't always agree but I believe that there is mutual respect and understanding.

I would be remiss if I did not acknowledge the work of our Registrar, Alison Reynolds and her capable and caring staff. I have been given every consideration by each and every member of the staff at all times. I have a greater appreciation for the work that they carry out on our behalf and I wish to publicly acknowledge their contribution to the success of this Board.

In the next year I believe that we, as a Board, have some tough policies to discuss and formulate. Our relationship with the government must be established. We must maintain a good connection with OFSA but be cognizant of the fact that our roles and responsibilities are quite different. We must continue to educate funeral directors and consumers.

Yes, we have challenges ahead of us but I believe that we are equal to the task. I look forward to the coming year.

Respectfully submitted

Barbara J. Beck
Chair

REPORT OF THE REGISTRAR

The 1990-91 year was the first full year of operation under the authority of the *Funeral Directors and Establishments Act, 1989* and its regulations.

During the year one of the major tasks of the Board was to ensure that funeral establishments and transfer services were being operated in compliance with the new legislation.

One method of determining compliance was through the Board's regular, routine inspections.

Inspections are always unannounced and cover the premises equipment, facilities and books, records and trust accounts pertaining to prepaid funerals. A thorough system is used so that inspections are conducted in a consistent manner throughout the province. In addition to a thorough inspection of the premises to ensure that requirements under the *Funeral Directors and Establishments Act, 1989* are being fulfilled there is an inspection of a random sample of the past funeral files, both those arranged at the time of need and those that were prearranged. A sample of prepaid contracts is checked for appropriate details, and valued as to principal and accrued interest. Bank Confirmations are obtained from the institutions where the prepaid trust funds are deposited.

100 routine inspections were carried out during the past year. In 66 of these cases problems of varying kinds were found and of these, 18 involved areas of non-compliance. 7 warranted the referral of the responsible funeral director to the Discipline Committee for a hearing.

In addition to the routine inspections, and in the interest of ensuring compliance with the new legislation by all funeral establishments and transfer services, every manager of a funeral establishment and every operator of a transfer service was required to submit copies of the establishment's price lists and contracts to the Board office for review.

Generally speaking, most establishments appeared to be in compliance with the legislation and the staff followed up with those who were not to ensure that required changes to price lists and/or contracts were made.

During the year it became apparent that some of the ambiguities in the new legislation were causing problems with interpretation. One area of concern was the degree of itemization required on

contracts. In response to this concern the Board is developing an interpretive policy to ensure a clear interpretation for the profession and the maximum information for consumers in each contract.

Another area of concern was the allowance for the substitution of some of the goods or services included in a contract. The inspection staff reported abuses in this area - particularly with casket substitution.

The Board's policy is that substitution of one casket for another should only occur when a casket is genuinely unavailable and may not occur simply because the operator of a funeral establishment or transfer service chooses to change suppliers.

Each year brings new trends with which the Board must come to terms.

1990-91 brought an increase in the number of visitation centres in Ontario. As smaller funeral homes succumb to financial pressures brought about by the economy and/or demographics, the visitation centre provides a viable facility in which a community can mourn its dead while not incurring the costs attached to the licencing of a funeral establishment.

A new concept in funeral service established in legislation was the transfer service. While it was expected that funeral directors would not welcome the innovation, the Board and staff have worked hard to ensure their acceptance and to encourage the establishment of new facilities.

In an ever more multicultural society, the Board has strived to respect diverse bereavement customs and to allow them to be honoured within the framework of the existing legislation.

In 1990-91 the Board issued licences to 2214 funeral directors of whom 1436 were actively engaged in the providing of funeral services. In addition 521 funeral establishments were licenced to provide services to the public, 4 funeral establishments were licenced not to provide services to the public and 3 transfer services received licences.

Every effort is made to assist these licencees in the provision of the highest standards of bereavement services to Ontario's citizens.

In addition, the Board expends much of its time and budget on assisting and protecting the public. This assistance and protection is provided formally through the Board's Complaints, Discipline, Compensation and Executive Committees.

Less formal but no less important is the assistance provided by the staff to the approximately 1500 members of the public who called the Board office during the past year.

For nearly one half of the past year, the Board was forced to operate one member short putting an added strain on its available manpower. Despite this, the past year was one full of accomplishments of which the Board members and staff may be proud.

Respectfully submitted

Alison M. Reynolds
Registrar

LICENCING COMMITTEE

The 1991 Licencing Committee was established as follows:

November 1, 1990 - May 31, 1991 June 1, 1991 - October 31, 1991

Barbara Beck - Chair
David Lester
Russell Wallace

David Lester - Chair
Russell Wallace
Barbara Beck

During 1991, the Licensing Committee was responsible for a number of special projects as well as its ongoing work. The changes, resulting from the implementation of the *Funeral Directors and Establishments Act, 1989* and its regulations presented the Committee with two new projects for development. The first, an examination to be administered to those re-entering funeral service after an absence of 10 or more years was developed with co-operation from the faculty at Humber College. The examination was approved by the Committee in May, 1991 and to date has been taken (successfully) by one candidate.

The second project, the development of a Transfer Service Operator's course has been a more challenging endeavour. With the co-operation of Humber College and input from the faculty, the Committee will have a correspondence course ready for approval in January, 1992.

In addition to the above projects, the Committee was occupied by a number of ongoing duties. Planning which had started in 1990 for the 1991 Professional Development program was completed, and the program was held at the Delta Chelsea Inn, April 17 and 18, 1991. A wide variety of topics was covered. Planning for the 1992 Professional Development program is well under way. The program will be held at the Toronto Hilton International, April 15 and 16, 1992. Again, a wide variety of topics is planned. Many of the more successful speakers from last year will be returning, and a number of new topics and speakers will be introduced.

In June, 1991, 81 candidates wrote the Board Examination for the first time. Of these, 74 were successful and seven were unsuccessful. In addition, 10 candidates re-wrote the examination at this time. Of these, seven were successful and three were

unsuccessful. Re-writes were also held in December, 1991 with eight candidates trying. Five of these were successful and three were unsuccessful. As the examination has had only minor changes over the last couple of years, the Committee is in the process of developing a new examination for 1992.

The Committee monitored the apprenticeship program over the last year by means of interim and final reports filed by both the apprentices and the funeral directors to which they were assigned. Also personal interviews with each apprentice were held near the end of the apprenticeship period. Problems that were discovered through this process were addressed on an individual basis. The Committee has identified the apprenticeship program as an area where an improved monitoring process would be welcome, and has made the development of an improved process a priority for 1992.

In September, the Chairperson and the Registrar attended the annual convention of the Conference of Funeral Service Examining Boards of which the Board of Funeral Services is a member. The Registrar presented a workshop on apprenticeship training. In addition, much valuable information was gained from the programs presented, and some potentially helpful contacts were made.

Members of the Committee continued to sit on the Funeral Service Education Advisory Committee at Humber College. The Advisory Committee develops and monitors curriculum for the Funeral Service Education Program at Humber College, and is currently considering a number of changes to reflect the changing needs of funeral service.

Respectfully submitted,

David Lester
Chair

COMPLAINTS COMMITTEE

The 1991 Complaints Committee was established as follows:

November 1, 1990-May 31, 1991

June 1, 1991-October 31, 1991

Dr. Stephen Speisman - Chair
David Lester
James Sargent

Dr. Stephen Speisman - Chair
David Lester
Andrew Doyle

The Complaints Committee met on a regular basis to render decisions regarding written complaints which had been received by the Board regarding the conduct or actions of a funeral director.

Twenty-five written complaints were referred to the Complaints Committee for resolution during the past year. The Committee reviewed the written material very carefully and each complaint was given serious consideration.

Two of the complaints were deemed to be of a serious nature and were referred to the Discipline Committee. The funeral directors were charged with excessive charging and using contracts that do not comply with the Regulations.

Decisions are pending on ten complaints. In these cases, they were either received recently or involved lengthy investigations. They will be adjudicated by the Committee in the new year.

Of the remaining thirteen complaints, five involved excessive charging. In three cases adjustments were made to the invoices at the direction of the Committee. In the other two cases, the Committee determined that no complaint was warranted. One of these has been appealed to C.R.A.T.

One complaint regarding the condition of an embalmed body was deemed to be unwarranted by the Committee.

Five complaints were deemed to be the result of poor communication or misunderstanding between the funeral director and the consumer. Two of these were resolved by letters of apology and in three cases the Committee was of the opinion that once the facts were understood by the complainant, further action was not necessary.

One complaint about the distribution of floral tributes following a funeral required no further action. The Committee noted that the funeral director had offered reasonable compensation which the complainant had declined. This matter has been appealed to C.R.A.T.

In one matter, the funeral director had made unprofessional comments in the press. The Committee concurred with the complainant that a written apology was a fitting penalty.

The Board attempts to make the public aware of the complaints process that is set out by the *Funeral Directors and Establishments Act, 1989*. This information is given out to the many members of the public who call the Board office throughout the year and through the Board's general information brochure.

The Board's brochure is available, at no charge, directly from the Board and from the licenced funeral homes throughout the province. As well, many public service agencies, self-help groups and schools stock the brochure.

As Chair, I wish to thank the other Committee members and the staff who have worked diligently in the cause of consumer protection.

Respectfully submitted,

Dr. Stephen Speisman
Chair

DISCIPLINE COMMITTEE REPORT

A report from the Discipline Committee on hearings for 1991.

The Committee Members for 1991 were:

Rodney Ingram - Chair
Russell Wallace
Alex Mansfield
Pearl Davie

The first hearing in 1991, was held on February 25th. It was alleged that a funeral director was guilty of professional misconduct for conduct or an act relevant to the practice of funeral directing that, having regard to all the circumstances, would reasonably be regarded by funeral directors as disgraceful, dishonourable or unprofessional.

The funeral director in question was alleged to have on three different occasions made billing to families in excess of the amounts provided by the Department of Social Services for complete funeral services. In addition the funeral director attempted to persuade two of the families that there had been a misunderstanding, and that they should withdraw their complaints to the Board of Funeral Services.

In this case the committee accepted a joint submission.

A fine of \$1,000.00 was levied to be paid to the Treasurer of Ontario into the Consolidated Revenue Fund. The funeral director was also reprimanded by the Committee.

The second hearing in 1991, began on April 23rd. The allegations were against two funeral directors from the same establishment and concerned the conduct of an employee of the establishment who is not licenced as a funeral director but who is a delegate under the *Funeral Directors and Establishments Act, 1989*. and the regulations.

The two licensed funeral directors were responsible for the conduct of the delegate pursuant to subsection 19(9) of the *Funeral Directors and Establishments Act, 1989*.

It was alleged that the funeral directors were guilty of professional misconduct as defined in paragraphs (b) and (1) of section 16 of Regulation 399, R.R.O. 1980.

In the case of one of the funeral directors no evidence was called. The Committee could not establish his responsibility and the charges against him were dismissed.

The second funeral director was found to be guilty of professional misconduct.

It was the decision of the Committee that the guilty funeral director would receive a reprimand and that the reprimand would be recorded in the register.

There were seven additional cases heard by this Committee in 1991. The hearings dealt with issues of non compliance with the *Funeral Directors and Establishments Act, 1989*. The issues came to light through the process of regular inspections and were not the result of public complaint. In all cases the Committee accepted agreed statements of fact. The Committee found all seven funeral directors guilty of professional misconduct. Each was fined \$500.00 and reprimanded.

Decisions were reached in all cases brought before the Discipline Committee during the year and there are no appeals pending. Please be aware that every effort is made by the Committee in their deliberations to ensure that the consumer protection inherent and explicit in the legislation is provided and that the standard of funeral service in Ontario is maintained.

Respectfully submitted,

Rodney N. Ingram
Chair

REPORT OF THE COMPENSATION FUND COMMITTEE

The 1991 Compensation Fund Committee was comprised of:

Pearl Davie, Chair
Lise Malette
Rod Ingram
Barbara Beck, Ex-officio

A number of meetings were held over the year to discuss matters related to the Compensation Fund, to select the Trustee and to consider payments out of the Fund in respect of defalcations and misappropriations, in compliance with the *Funeral Directors and Establishments Act, 1989* and Regulation 369/90.

After giving careful consideration to proposals by several financial institutions, the Committee elected Canada Trust Company as Trustee, based on considerations of long term security, growth, competitive fees and methods of reporting.

All payments made into the Compensation Fund as required by legislation were deposited with Canada Trust for investment. With accrued interest the balance in the Compensation Fund as at October 31, 1991, stood at \$413,073.00, as per audited financial statements provided.

The legislation requires that payments be made into the Compensation Fund until the balance stands at \$1 million.

Respectfully submitted,

Pearl Davie
Chair

BOARD MEETINGS

The Board of Funeral Services and its Committees met for twenty-five days in 1991. In addition, Board business was transacted twelve times by conference call.

PHYSICAL PLANT

The offices of the Board of Funeral Services are located at:

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